

# REGISTER



## South Dakota Legislative Research Council

Volume 41

Monday, 8:00 a.m., May 4, 2015

**NOTICE OF PROPOSED RULES:** (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

**Department of Health: Division of Health and Medical Services:** (April 28, 2015) intends to amend rules to add severe combined immunodeficiency disorder (SCID) to the mandated newborn screening panel. The general authority for these rules, as cited by the department, is SDCL § 34-24-25.

A public hearing will be held at the Hayes Building, Room 107, 600 East Capitol, Pierre, South Dakota, on June 1, 2015, at 11:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Health, 600 East Capitol Avenue, Pierre, South Dakota 57501. Copies of the proposed rules may also be obtained at the Health Department website at <http://doh.sd.gov/News> or <http://rules.sd.gov>. Material sent by mail must reach the department by June 11, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3361 at least 48 hours before the hearing.

**Department of Health: Board of Pharmacy:** (April 29, 2015) intends to amend rules to establish the ability of pharmacies to increase the technician to pharmacist ratio. The general authority for these rules, as cited by the board is SDCL § 36-11-11.

A public hearing will be held at the University Center, Room 245, 4801 N. Career Ave., Sioux Falls, South Dakota, on June 12, 2015, at

8:00 a.m. CST. Persons interested in presenting data, opinions, and arguments for or against the proposed rules may do so by appearing in person at the hearing or sending comments to the South Dakota Board of Pharmacy, 3701 West 49<sup>th</sup> Street, Suite 204, Sioux Falls, South Dakota 57106. Copies of the proposed rules may be viewed at the board website [www.pharmacy.sd.gov](http://www.pharmacy.sd.gov) or obtained without charge from the Board's office. Material sent by mail must reach the Board of Pharmacy on or before June 11, 2015, to be considered. Persons who have special needs for which the board can make arrangements are asked to call (605) 362-2737 before the hearing.

**Department of Agriculture: Agricultural Services:** (April 29, 2015) intends to amend rules to alter requirements for producers wishing to sell raw milk for human consumption and to modify standards for raw milk for human consumption. The general authority for these rules, as cited by the department, is SDCL §§ 39-6-9 and 40-32-18.

A public hearing will be held at Matthews Training Center, 1<sup>st</sup> Floor, Foss Building, 523 East Capitol Avenue, Pierre, South Dakota, on May 22, 2015, at 10:00 a.m. Copies of the proposed rules may be obtained from and written comments sent to the South Dakota Department of Agriculture, Division of Ag Services, Foss Building, 523 East Capitol, Pierre, South Dakota 57501. Material sent by mail must reach the Department by June 3, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the Department can make arrangements are asked to call (605) 773-4432 at least 48 hours before the

hearing.

***Department of Agriculture: State Fair:***

(April 29, 2015) intends to amend a rule to increase the gate admission, parking, camping and vehicles fees. The general authority for this rule, as cited by the department, is SDCL § 1-21-10.

A public hearing will be held at the Women's Building, State Fairgrounds, Huron, South Dakota, on May 20, 2015, at 10:00 a.m. Copies of the proposed rule may be obtained without charge from and written comments sent to Department of Agriculture, Joe Foss Building, 523 East Capitol, Pierre, South Dakota 57501. All materials must reach the department by May 19, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 353-7340 at least 48 hours before the public hearing.

***Department of Health: Board of Dentistry:***

(April 30, 2015) intends to amend rules to change the name Advanced Dental Assistant to Registered Dental Assistant and update the definition to maintain consistency with state law. The general authority for these rules, as cited by the board is SDCL § 36-6A-14, 36-6A-26, 36-6A-50, and 36-6A-55.

A public hearing will be held in the SD Housing Development Authority Board Room, 3060 E. Elizabeth St., Pierre, South Dakota, on June 19, 2015, at 10:00 a.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the South Dakota State Board of Dentistry, P.O. Box 1079, Pierre, South Dakota 57501. A copy of the proposed rules is also available on the board's website: <https://www.sdboardofdentistry.com/>. Material sent by mail must reach the Board by June 16, 2015, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to

call (605) 224-1282 at least 48 hours before the hearing.

**FILINGS IN THE SECRETARY OF STATE'S OFFICE:**

**DEPARTMENT OF AGRICULTURE: SD WEED AND PEST CONTROL COMMISSION:** 12:62:03:01:07.

History-Notice: 41 SDR 143, March 9, 2015  
Hearing: April 9, 2015  
Filed: April 28, 2015  
Effective: May 18, 2015

**DEPARTMENT OF HEALTH: BOARD OF MEDICAL AND OSTEOPATHIC EXAMINERS:** 20:47:08:01 to 20:47:08:03, inclusive; 20:52:02:01 to 20:52:02:03, inclusive; 20:63:04:01 to 20:63:04:03, inclusive; 20:64:05:01 to 20:64:05:03, inclusive; 20:66:02:01 to 20:66:02:03, inclusive; 20:70:03:01 to 20:70:03:03, inclusive; 20:78:05:09, 20:78:05:10; 20:82:01:01; 20:82:02:01; 20:82:03:01 to 20:82:03:03, inclusive; 20:83:01:01; 20:83:02:01; and 20:83:03:01 to 20:83:03:03, inclusive.

History-Notice: 41 SDR 126, Feb. 17, 2015  
Hearing: March 11, 2015  
Filed: May 1, 2015  
Effective: May 21, 2015

**Executive Appointments:**

**Lori J. Berreth**, Artas, was reappointed on April 24, 2015, to the **Cosmetology Commission**, effective immediately and shall continue until April 15, 2018.

**Kara Semmler**, Pierre, was appointed on April 24, 2015, to the **Abstracters' Board of Examiners**, effective immediately and shall continue until April 1, 2018.

**Dan W. Roe**, Sturgis, was reappointed on April 24, 2015, to the **Abstracters' Board of**

**Examiners**, effective immediately and shall continue until April 1, 2018.

**Victoria A. Wilds**, Sioux Falls, was reappointed on April 24, 2015, to the **Abstracters' Board of Examiners**, effective immediately and shall continue until April 1, 2018.

Note: A copy of the rules may be obtained directly from the above agencies or at <https://rules.sd.gov>. Write to the

agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

### REMINDER OF HEARINGS SCHEDULED

5-8-2015	Social Services	Amend Economic Assistance, Medical Services, Child Support and Child Protection rules to reflect annual changes, update terminology to align with current practice, amend the mileage requirement for non-emergency medical transportation reimbursement, and clarify the exemption for family foster homes; 41 SDR 163, April 13, 2015.
5-8-2015	Labor and Regulation: Appraiser Certification Program	Amend rules to update the threshold level of the National Credit Union and revise the format of the citations for the Federal regulations for the Office of the Comptroller of the Currency (OCC); Federal Deposit Insurance Corporation (FDIC) and the Board of Governors of the Federal Reserve System (Fed) threshold levels; require three years of experience as a South Dakota reciprocal appraiser in order to be a supervisory appraiser; require a supervisory appraiser to sign the certification; add a provision for limited exemption of qualifications for candidates for appraiser licensing, certification or registration called to active duty in the military; eliminate appraiser education rules that have effective dates through June 30, 2014 and December 31, 2014; require applicants for state-registered appraiser classification to complete a Department training program prior to issuance of the registration; require retention of additional records by appraisers; increase application, temporary practice, renewal and upgrade fees for licensed and certified appraiser classifications; add probation and

		limit of scope of practice to the disciplinary actions permitted; clarify when filing a complaint against another appraiser rises to the level of violation of the rules; change 'state of domicile' to 'home state' for reciprocal applicants; and require continuing education for reciprocal licensees that move to South Dakota; 41 SDR 165, April 20, 2015.
5-12-2015	Revenue: SD Commission on Gaming	Amend Gaming rules to clarify drop box definition, delete the definition of free play and add a definition for non cashable promo play; provide a fee for Commission approval of games and game variations; create an application process for new games or new variations of games; prohibit persons from bringing dice into a gaming location; provide for manned surveillance rooms with house banked table games and craps; allow licensed gaming tables to be used for training purposes; provide training for dealers of house banked table games, craps and roulette; authorize the games of craps, roulette and keno; add craps and roulette to game tournaments; add a free bonus feature to Buster Blackjack; add a variation of blackjack known as free bet blackjack; add an optional six card bonus wager to three card poker; add an optional four card bet; add craps and roulette components to associated equipment; establish requirements for craps tables; establish the physical characteristics for dice; establish requirements for the use of dice; establish procedures for cancellation and destruction of dice; establish physical characteristics for roulette tables; establish the physical characteristics for roulette balls; establish criteria for nonvalue roulette chips; clarify computation of adjusted gross revenue; clarify the use of non cashable promo play; provide for surveillance of craps and roulette games; clarify procedures regarding surveillance equipment malfunctions; require that only licensed persons enter surveillance rooms; set forth new chapters of rules for the play of Keno, Craps, and Roulette; and clarify and increase minimum bankroll cash reserves and cash reserve requirements, to include craps, roulette and keno, and bad bet liability; 41 SDR 166,

		April 20, 2015.
5-13-2015	Bureau of Administration: Office of the State Engineer	Amend rules to modify definitions, state building certification process requirements, and conditions for granting waivers from the High Performance Green Building Standard requirement; require achievement of certain Leadership in Energy and Environmental Design (LEED) credits and prohibit inclusion of others for certification; 41 SDR 166, April 20, 2015.
5-13-2015	Labor and Regulation: SD Real Estate Commission	Amend rules to eliminate the requirement that newly-approved prelicensing instructors must complete an instructor development workshop, change the postlicensing education requirements for new broker associates, clarify the required and elective continuing education topic areas, the classroom clock-hour definition, student certification requirements, the education requirements necessary to activate a license, non-qualifying courses and change the application deadline for continuing education course approval; 41 SDR 171; April 27, 2015.
5-15-2015	Labor and Regulation: SD Banking Commission	Amend rules to abate the examination fee assessed to state-chartered banks for the June 2015 semiannual examination fee period and require all semi-annual examination fee assessments to be paid electronically by state-chartered banks; 41 SDR 171, April 27, 2015.
5-18-2015	Education: Board of Education	Amend Public School Accountability System rules to update certain components of the accountability system and update references throughout the article to make the rules consistent with South Dakota's Elementary and Secondary Education Act Flexibility Waiver Extension as approved by the U.S. Department of Education and current terminology; 41 SDR 165, April 20, 2015.
5-18-2015	Labor and Regulation: Division of Insurance	Adopt rules to provide the form and process for filing an affidavit of exemption from the South Dakota Workers' Compensation Law; 41 SDR 172, April 27, 2015.
5-18-2015	Office of the Attorney General	Amend rules to provide for the inclusion of optional formats in uniform complaint and summons forms; 41 SDR 166, April 20, 2015.
5-20-2015	Agriculture: State Fair	Amend a rule to increase the gate admission, parking, camping and vehicles fees; 41 SDR 180, May 4, 2015.

5-20-2015	Health: Division of Health Systems Development and Regulation	Amend Article 44:05 – Ambulance Operation rules to reflect the reorganization of the Office of Emergency Medical Services to the Department of Health; 41 SDR 171, April 27, 2015.
5-22-2015	Agriculture: Division of Agricultural Services	Amend rules to alter requirements for producers wishing to sell raw milk for human consumption and to modify standards for raw milk for human consumption; 41 SDR 179, May 4, 2015.
5-28-2015	Tourism: State Historical Society	Amend rules to increase the membership fees for the State Historical Society; increase fees at the State Archives for microfilm production and add fees for new services of digital camera use and microfiche scanning; and amend fees charged by the Archaeological Research Center for its services regarding curation, permits, and data services, and remove fees charged for certain other services; 41 SDR 137, March 2, 2015.
5-28-2015	Transportation	Amend Speed Limits rules to create a 75 mph limited speed zone on Interstate Highway 90 beginning at the Wyoming border then east to milepost 55.02; change the effective beginning date for a temporary 65 mph limited speed zone on Interstate Highway 90 near Sturgis between milepost 28.9 and 33.75 from August 1 of each year to July 24; for the 2015 Rally only, extend the length of the temporary 65 mph limited speed zone on Interstate Highway 90 further to the east from milepost 28.9 to milepost 55.02 from July 24, 2015, until August 10, 2015; in Meade County change the effective beginning date for a temporary 35 mph from Blanche Street easterly for 3.8 miles from August 1 of each year to July 24 of each year and change the effective beginning date for a temporary 45 mph limited speed zone on SD Highway 79 from its junction with SD Highway 34, then 1.5 miles north from August 1 of each year to July 24 of each year; and in Lyman County change a 55 mph limited speed zone on State Highway 273 beginning at its junction with Interstate Highway 90 then north for 1.03 miles to 35 mph, then north for an additional 0.2 miles to 45 mph through Kennebec; 41 SDR 172; April 27, 2015.

6-1-2015	Health: Division of Health and Medical Services	Amend rules to add severe combined immunodeficiency disorder (SCID) to the mandated newborn screening panel; 41 SDR 179, May 4, 2015.
6-12-2015	Health: Board of Pharmacy	Amend rules to establish the ability of pharmacies to increase the technician to pharmacist ratio; 41 SDR 179, May 4, 2015.
6-19-2015	Health: Board of Dentistry	Amend rules to change the name Advanced Dental Assistant to Registered Dental Assistant and update the definition to maintain consistency with state law; 41 SDR 180, May 4, 2015.

### **RULES REVIEW COMMITTEE MEETINGS**

The next meeting of the Interim Rules Review Committee will be held on Monday, June 8, 2015, in Room 413, Fourth Floor of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2015 interim: July 20, August 17, September 21, November 9, and December 14.

**Note:** An updated version of the Administrative Rules Guide to Form and Style is available on the LRC website at <http://legis.sd.gov/Rules/RulesManual.aspx>.

